

## **REMARKS/ARGUMENTS**

In the Office Action dated December 18, 2009: 1) claims 35-41, 44-49 and 119-142 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over DeKoning (U.S. Pat. No. 5,974,502) in view of Sathyanarayan (U.S. Pat. App. Pub. No. 2002/0152194); and 2) claims 42-43 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over DeKoning in view of Sathyanarayan, and further in view of Ibrahim (U.S. Pat. No. 6,880,062). Applicants have amended claims 35, 39, 44, 48, 123, 126, 128, 131, 133, 136, 138 and 141. Based on the amendments and arguments herein, Applicants respectfully submit that all claims are allowable.

### **I. The Examiner Interview**

Applicants thank the Examiner for the interview conducted on March 16, 2010. During the interview the Examiner explained his rationale for interpreting the independent claims and his reasons for applying the DeKoning reference. While no substantive agreement regarding the interpretation of the claims was reached, Applicants representative, Roberto de León, indicated that he would review the claim language again in light of the Examiner's explanations.

### **II. The Independent Claim Rejections**

Independent claims 35, 44, 123, 128, 133 and 138 were rejected as allegedly obvious over DeKoning in view of Sathyanarayan. Without conceding the merits of the rejection, Applicants have amended these claims in order to expedite prosecution of the subject application. The amendments make it clear that it is the targets that indicate the inability to satisfy the amount of data to be transferred by the write request sent to the targets. By contrast, DeKoning teaches subdividing the write request into multiple requests before the requests are sent to the target disk drives, basing the decision to sub-divide the request on a pre-determined threshold configured within the controller that sends the request(s) to the targets.<sup>1</sup> Sathyanarayan teaches sending a memory allocation request to an operating system executing on a CPU, not to the target memory device where data is to be sent,<sup>2</sup> wherein the decision to request an allocation

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<sup>1</sup> See Applicants' prior response dated November 9, 2009, pp. 9-10, § II (explaining the DeKoning reference).

<sup>2</sup> See Sathyanarayan, \*[[0026]] ("... copy process 103K first allocates memory for storing the absolute directory (complete name) and relative directory (current location of child)...")

that is half that of the original request is made if the prior request to the O/S fails.<sup>3</sup> Thus, neither reference teaches or suggests sending the request *to the targets* and making the decision to subdivide the request into multiple requests based upon an indication *from at least one of the targets* that the request cannot be satisfied, as required by each independent claim.

For at least these reasons Applicants submit that none of the cited art teaches or suggests all of the limitations of the amended independent claims, and Applicants thus respectfully request withdrawal of the obviousness rejections of claims 35, 44, 123, 128, 133 and 138.

### **III. The Dependent Claim Rejections**

The dependent claims were also rejected as allegedly obvious over the cited art. Because these claims include the limitations of the independent claims upon which they respectively depend, Applicants respectfully submit that these dependent claims are also allowable for at least the same reasons presented above.

### **IV. Additional Claim Amendments**

Dependent claims 39, 48, 126, 131, 136, and 141 have been amended for consistency with the amendments to their corresponding independent claims. These amendments serve to clarify that the decision to perform subsequent subdivisions is also based upon responses from at least one of the targets, as described above.

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<sup>3</sup> See Sathyanarayan, ¶ [0027] ("In this implementation, copy process 103K initially requests the operating system to provide the maximum limit (e.g. 1 GB), and if unsuccessful requests half the previously request amount repeatedly, until successful.")

**CONCLUSION**

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. Applicants believe that no extensions of time or fees are required, beyond those that may otherwise be provided herein or in documents accompanying this response. Nonetheless, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Wong Cabello's Deposit Account No. 50-1922, referencing docket number 112-0126US.

Respectfully submitted,

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